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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,947

03/07/2006

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EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/570,947	Applicant(s) MIZUTANI ET AL.	
	Examiner CYNTHIA F. COLLADO	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 6-12, 17-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's request for the withdrawal of the election of species requirement is persuasive and, therefore, the restriction requirement is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagaya (US Patent No WO 2004/030971).

Regarding claim 1, Nagaya discloses an elastic member (see fig below) attached to a load member (see fig below) provided in a wheel of a wheel unit and placed to allow vibrations of the wheel unit and vibrations of said load member to dampen each other; a suspension arm (see suspension arm below) having one end connected to said elastic member (see fig below, suspension connected to elastic member via knuckle) and the other end fixed to a vehicle body pivotably in a top-bottom direction of said vehicle body (see fig below), and a rotatably supporting member connected to said suspension arm and the elastic member to rotatably support the wheel (see fig below).

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FIG. 1

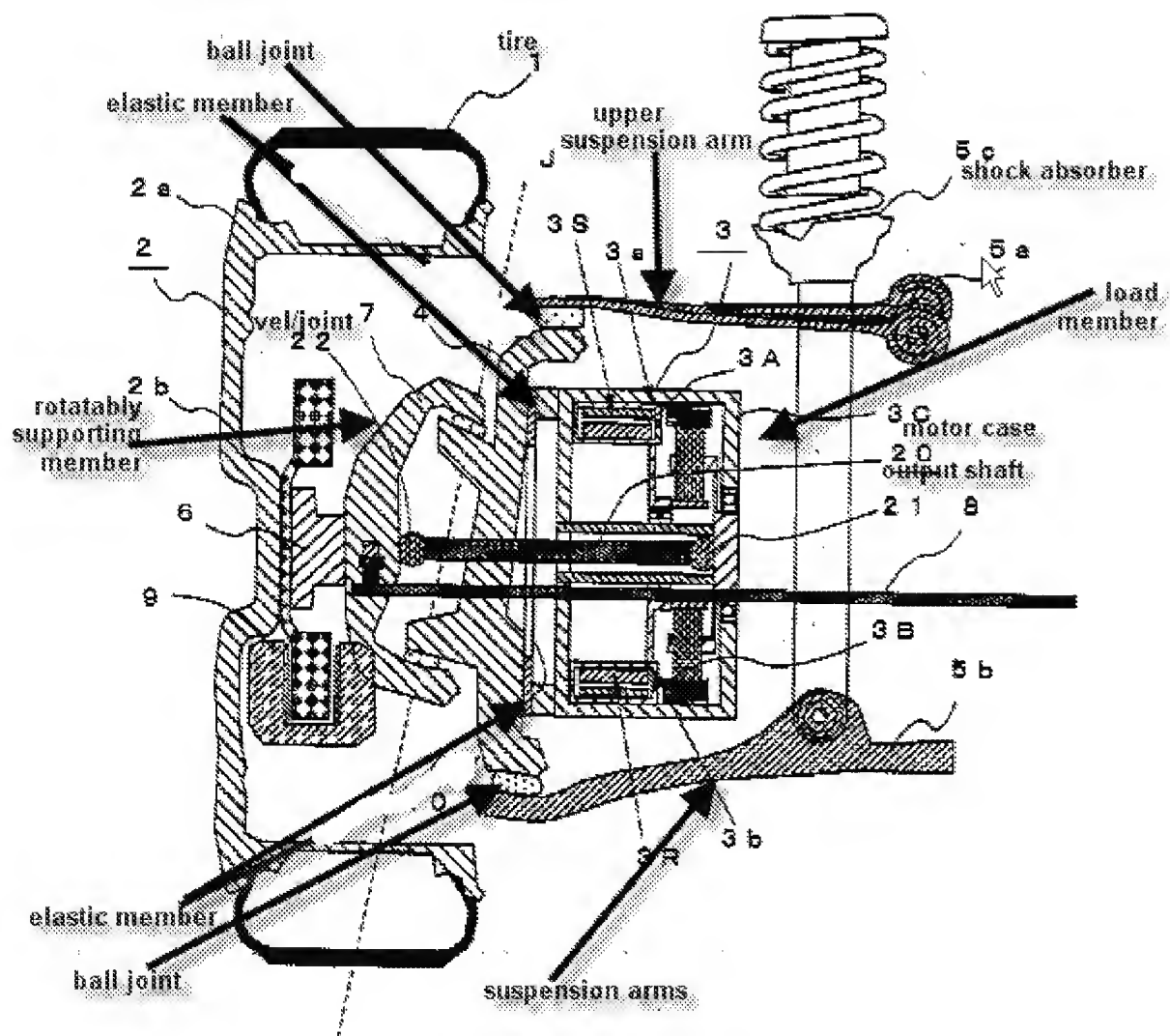
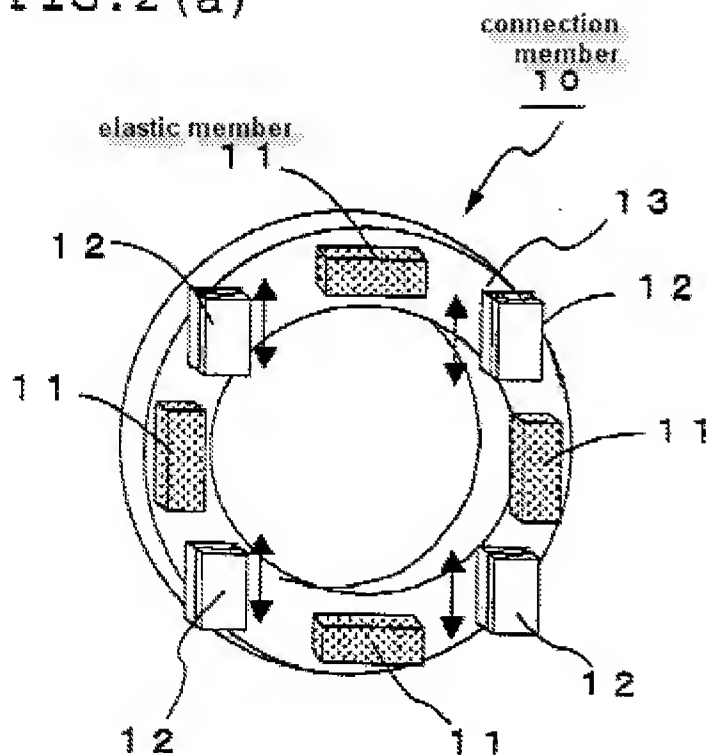


FIG. 2 (a)



Regarding claim 2, Nagaya discloses a motor generating motive power (see motor above), a motor output shaft (see fig above) connected to the wheel via a constant velocity joint (see fig above) to allow the motive power generated by the motor to be transmitted to the wheel (see fig above), and a case housing the motor (see housing above), and the elastic member is attached to said case (see fig above).

Regarding claim 3, Nagaya discloses a first output shaft connected to said motor (see fig above) and a second output (see fig above) shaft having one end fitted into said first output shaft and the other end connected to said constant velocity joint (see fig above).

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Regarding claim 4, Nagaya discloses the load member is a weight provided to the wheel without connected to said wheel (see fig above).

Regarding claim 5, Nagaya discloses the suspension arm is comprised of an upper arm and a lower arm (see fig above), and said elastic member is connected to at least one of said upper arm and said lower arm (see fig above).

Regarding claim 13, Nagaya discloses wherein said elastic member is comprised of an upper elastic member and a lower elastic member, the upper elastic member is connected to the upper arm, and the lower elastic member is connected to said lower arm (see fig above).

Regarding claim 14, Nagaya discloses wherein the upper elastic member and the lower elastic member are attached to said load member in the top-bottom direction of said vehicle body (see fig above), and said upper arm (fig above) and said lower arm (see fig above) are connected respectively to said upper elastic member (see fig above) and said lower elastic member in the top-bottom direction of said vehicle body (see fig above).

Regarding claim 15, Nagaya discloses said upper elastic member and said lower elastic member are each comprised of at least one elastic body (see elastic member above).

Regarding claim 16, Nagaya discloses wherein at least one elastic body is each a rubber mount (see fig 2(a) above).

Allowable Subject Matter

Claims 6-12, 17-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CYNTHIA F. COLLADO whose telephone number is (571)272-8315. The examiner can normally be reached on mon-fri 6-2.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art
Unit 3618

CFC
/Cynthia F Collado/
Examiner, Art Unit 3618